

BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA

RECEIVED
EXECUTIVE DIRECTOR
BOARD OF EDUCATIONAL EXAMINERS

APR 18 2022

In the matter of:)	22DOEBEE0004
)	Folder # 324423
TRAVIS FLESHNER,)	
)	SETTLEMENT AGREEMENT AND
Respondent.)	FINAL ORDER
)	

In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) and 282 Iowa Administrative Code rule 11.4(6), and with full knowledge of the right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon his license(s), the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of his desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes the jurisdiction of the Board for all issues relevant hereto and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the stipulations contained herein are not binding upon the Respondent and will not be presented against him at the time of hearing without further agreement of the Respondent.

Board approval of this settlement shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

STIPULATIONS

1. Respondent holds a Professional Administrator License (FOLDER # 324423) with the following endorsements: PK-8 Principal, 5-12 Principal, Evaluator (new), PK-12 Superintendent & AEA Administrator. This license is current and will next expire on November 30, 2024. Respondent previously held a Master Educator License with endorsements for K-12 Athletic Coach, K-8 Physical Education and 5-12 Physical Education, which expired on November 30, 2013. Respondent's Extension of Coaching Authorization with an Athletic Coach endorsement expired on 11/30/2021.

2. During all material events of this case, Respondent was employed as a Superintendent with the Union Community School District.

3. On March 3, 2021, the Board of Educational Examiners received a complaint against Respondent alleging a violation of the Code of Ethics.

4. On June 25, 2021, the Board found probable cause to proceed to hearing based upon the facts set forth in paragraph(s) 6 below. A hearing in this matter is currently scheduled for May 4-5, 2022.

5. Respondent was charged with (1) failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning, in violation of 282 Iowa Administrative Code rule 25.3(6)(c), and (2) with failure of an administrator to protect the safety of staff and students, in violation of 282 Iowa Administrative Code rule 25.3(6)(s).

6. Initial investigation revealed there was probable cause to believe Respondent, as the school superintendent, failed to appropriately respond to allegations of misconduct by a teacher employed by the school district. Initial investigation also revealed there was probable cause to believe Respondent failed to timely and appropriately investigate the alleged misconduct and that in failing to do so, he failed to make reasonable efforts to protect the health and safety of the students and created conditions harmful to student learning.

7. Later investigation revealed Respondent performed an investigation consistent with the advice of counsel and a confirmation that the District's Chapter 102 procedures were consistent with expectations.

8. Respondent does not admit to the violations identified in paragraph 5, but acknowledges the allegations, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Settlement Agreement and Final Order.

SETTLEMENT AGREEMENT

9. This Settlement Agreement and Final Order constitutes the final resolution of a contested case proceeding and shall have the force and effect of a disciplinary order entered following a contested case hearing.

10. In order to resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

- a. Respondent accepts a WRITTEN REPRIMAND.
- b. Respondent agrees to successfully complete a course on allegations of child sexual abuse and grooming, preapproved by the Board's Executive Director. Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the course within ONE (1) YEAR of the Board's acceptance of this Settlement Agreement and Final Order. Failure to complete the class within the allotted time period will result in immediate suspension of his license until completed.
- c. Respondent agrees to review the circumstances surrounding the complaint that led to this case with W. Scott Dryer with the Iowa Department of Education and the expectations surrounding Chapter 102 Investigations.

- d. Respondent agrees to pay fees related to the processing of this complaint consistent with 282 Iowa Administrative Code r. 12.10 in the amount of \$447.99 to the Iowa Board of Educational Examiners within 45 days of the Board's Final Order.

LICENSEE DECLARATION

I understand that this Settlement Agreement and Final Order is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

I understand that I have the right to be represented by counsel in this matter.

I understand State's counsel will present this Settlement Agreement and Final Order to the Board *ex parte*.

I agree to comply with the requirements set forth in the stipulations and requirements of this Settlement Agreement and Final Order and understand that my failure to do so can result in additional discipline of my license(s).

I understand I have an opportunity to be heard and to contest the allegations against me in a formal hearing before the Board and that by waiving the formal hearing, I waive my right to challenge the allegations against me and all attendant rights, including the right to appeal or seek judicial review of the Board's actions.

I understand that the Statement of Charges and the Settlement Agreement and Final Order are public records, which will become part of my permanent licensure file and will be available for public inspection and reproduction.

I understand that my name will be added to the national clearinghouse database kept by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

4-16-22
Date


Travis Fleschner, Respondent

ORDER

IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS THAT:

1. The conduct with which Respondent has been charged constitutes a violation of the Code of Professional Conduct and Ethics governing the teaching profession. Respondent is REPRIMANDED for the charged conduct.

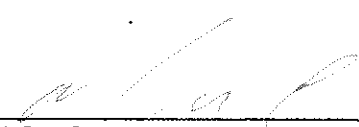
2. Respondent shall successfully complete a course on allegations of child sexual abuse and grooming, preapproved by the Board's Executive Director. Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the course within ONE (1) YEAR of the Board's Final Order. Failure to complete the class within the allotted time period will result in immediate suspension of Respondent's license until completed.

3. Respondent shall further meet with W. Scott Dryer with the Iowa Department of Education to review the circumstances surrounding the complaint that led to this case and expectations surrounding Chapter 102 Investigations.

4. Respondent shall pay the fees related to the processing of this complaint consistent with 282 Iowa Administrative Code r. 12.10 in the amount of \$447.99 to the Iowa Board of Educational Examiners within 45 days of this Final Order.

5. In determining the appropriate sanction to impose in this case, the Board has considered the nature and seriousness of the allegations as well as mitigating circumstances.

Dated this 22nd day of April, 2022.


Michael D. Cavin, Executive Director
Iowa Board of Educational Examiners

Copies to:

Travis Fleshner
RESPONDENT

Matt Novak
ATTORNEY FOR RESPONDENT

Kristi Traynor
ATTORNEY FOR THE STATE

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA**

In the matter of)	Case No. 21-23
)	Folder No. 324423
TRAVIS J. FLESHNER,)	
)	NOTICE OF HEARING
Respondent.)	AND STATEMENT OF CHARGES

YOU ARE HEREBY NOTIFIED that the Iowa Board of Educational Examiners, exercising the jurisdiction conferred by Iowa Code chapters 17A and 272, has found probable cause of a violation of Board rules and ordered this matter scheduled for hearing.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing will be held on Friday, September 17, 2021, before Administrative Law Judge Emily Kimes-Schwiesow, acting on behalf of the Iowa Board of Educational Examiners. The hearing shall begin at 9:00 a.m. at the Department of Inspections and Appeals, Wallace State Office Bldg. Auditorium, Second Floor, 502 E. 9th Street (East 9th and Grand Avenue), Des Moines, Iowa. Please enter the Wallace Building at the main entrance on the east side. Public parking is available in the parking ramp on the west side of the Wallace Building. You may also call (515) 281-6468 upon arrival. This location is subject to change prior to the hearing. You will be notified should there be a change in location.

2. Answer. Within twenty (20) days of the date of service of this Notice of Hearing, you are required to file an Answer specifically admitting, denying, or otherwise responding to the allegations included within the Factual Allegations. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing. A copy of the Answer shall be provided by the Respondent to the Assistant Attorney General identified below.

3. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 282 Iowa Administrative Code chapter 11. At hearing, you may appear personally or be represented by an attorney, at your own expense. You will be allowed the opportunity to respond to the charges against you. Each party will be allowed to testify, examine and cross-examine witnesses, and present documentary evidence. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence. If you need to request an alternative time or date for hearing, you must comply with the requirements of 282 Iowa Administrative Code rule 11.19.

If either party wishes to present telephonic testimony or to participate in the hearing by telephone, arrangements must be made at least ten (10) days in advance of the hearing date by filing a written request with the presiding Administrative Law Judge, Department of Inspections and Appeals, Wallace State Office Building, Des Moines, Iowa 50319, or by faxing a written request to (515) 281-4477. A copy of the request for telephonic testimony

must be served on the Board and all parties. Any resistance to the request for telephone testimony must be filed within five (5) days of service of the notice.

4. Pre-hearing conference. Either party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board rules regarding pre-hearing conferences are found in 282 Iowa Administrative Code rule 11.18.

5. Prosecution. The office of the Attorney General is responsible for prosecuting and representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Jordan Esbrook
Assistant Attorney General
Iowa Department of Justice
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319
Telephone (515) 281-8159

6. Communications. You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing or the pending charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve on all parties in the case. You should direct any questions about this proceeding to Michael D. Cavin, the Board's Interim Executive Director, at (515) 281-5849 or to Assistant Attorney General Jordan Esbrook at (515) 281-8159.

B. SECTIONS OF STATUTES AND RULES INVOLVED

Count I

7. Respondent is charged with failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning, in violation of 282 Iowa Administrative Code rule 25.3(6)(c).

Count II

8. Respondent is charged with failure of an administrator to protect the safety of staff and students., in violation of 282 Iowa Administrative Code rule 25.3(6)(s).

C. JURISDICTION AND LEGAL AUTHORITY

9. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A and 272. If any of the allegations against you are proven at hearing, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A and 272, and 282 Iowa Administrative Code chapter 11.

D. FACTUAL CIRCUMSTANCES

10. Respondent holds a Professional Administrator License (FOLDER # 324423) with the following endorsements: PK-8 Principal, 5-12 Principal, Evaluator (new), PK-12 Superintendent & AEA Administrator. This license is current and will next expire on November 30, 2024. Respondent also holds an Extension of Coaching Authorization with Athletic Coach endorsement which expires on November 30, 2021.

11. During all material events of this case, Respondent was employed as a Superintendent with the Union Community School District.


12. On March 3, 2021, the Board of Educational Examiners received a complaint against Respondent alleging various violations. On June 25, 2021, the Board found probable cause to proceed to hearing based upon the facts set forth herein and delineated in further detail within the complaint and investigation file compiled by the Board.

13. Investigation revealed that the Respondent, as the school superintendent, failed to appropriately respond to allegations of misconduct by a district employed teacher upon a young female student. That the Respondent failed to timely and appropriate investigate the alleged misconduct and failure to do so failed to make reasonable efforts to protect the health and safety of the student(s), created conditions harmful to the student(s) learning, and failed to protect the safety of students.

E. SETTLEMENT

14. This matter may be resolved by surrender of your license or an agreement to accept a lesser sanction. The procedural rules governing the Board's settlement process are found at 282 Iowa Administrative Code rule 11.4(6). If you are interested in pursuing settlement of this matter, please contact the Assistant Attorney General identified in Section A, above.

Dated this 2nd day of August, 2021.



Michael D. Cavin, Interim Executive Director
Iowa Board of Educational Examiners

Copies to:

Travis Fleshner (first-class mail and certified mail)
RESPONDENT

Matt Novak (electronic mail)
ATTORNEY FOR RESPONDENT

Jordan Esbrook (electronic mail)
ATTORNEY FOR THE STATE